

REMARKS

The present amendment is responsive to the Office Action mailed in the above-referenced case on September 28, 2002. Claims 1-20 are standing for examination.

In the Office Action the Examiner has maintained the rejection of claims 1-2, 6-7 and 16-17 under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood (U.S. 5,983,218), hereinafter Syeda. Claims 3-5, 8-15, and 18-20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda in view of Goetz, of record.

The Examiner states that, regarding applicant's independent claim 16, Syeda discloses the limitations of applicant's claim including accessing and rendering media from multimedia files in a data repository, limiting access to preselected media files, but that Syeda does not disclose the code set of applicant's claim for accessing and rendering media code from multimedia files in a data repository or software modules providing functionality for an Interactive Multimedia Application (IMA) and the Interactive Multimedia Viewer (IMV). The Examiner further states that Syeda, however, can perform accessing and rendering media from multimedia files stored in a data repository and provides the interactive dialogue for accessing and rendering multimedia data, and it would have been obvious to include the code set of applicant's claim to perform said accessing and rendering and the Interactive Multimedia Viewer.

Applicant points out that this Response is the eighth such response in the prosecution of the present case, and the Examiner is still not acknowledging that applicant's claim 16 is a method for assembling an Interactive Multimedia Application (IMA). The IMA of applicant's invention actually interfaces with a database. Syeda does not teach a method for assembling an application for

accessing various databases. Syeda teaches an application for accessing a database. Applicant points out that applicant's invention, and that of Syeda are not structurally in the same context.

The Examiner responds to the above argument stating that Syeda discloses integrating multimedia via the user interaction with the server (col. 5, line 20 to col. 6. Lines 1-42), depending on the queries posed by a user, integrating multimedia from relevant database sites to provide the result to the user. The Examiner continues, since Syeda does teach integrating multimedia via the user interaction, Syeda does teach assembling multimedia via interaction as in claim 16. Applicant understands the Examiner to reason that Syeda's teaching of retrieving multimedia information from a database and presenting it to a user actually reads on applicant's invention of assembling an Interactive Multimedia Application (IMA) for accessing a database on behalf of a user. Applicant respectfully argues that the Examiner's argument is just unreasonable. Applicant believes that anyone with skill in the art should realize that applicant's invention is specifically for creating a custom application for accessing a database. Syeda's ability to access multimedia from a database simply cannot read on applicant's claimed method of assembling an Interactive Multimedia Application.

The Examiner argues that nowhere in claim 16 is there a limitation for building and customizing an IMA, the claim only provides a preamble for assembling an IMA. Applicant respectfully points out that claim 16 includes limitations for assembling an IMA by selecting, editing and joining software modules. Applicant believes that the Examiner should realize that selecting, editing and joining software modules to form an IMA, accomplishes building and customizing an IMA.

Applicant argues that the Examiner is not examining applicant's claim language in light of the specification provided, or plain meaning of the limitations claimed. Applicant argues that Syeda's ability to eliminate duplicates of retrieved files from a database before sending to a user cannot read on applicant's claimed

ability of limiting access to preselected multimedia files. The Examiner states that the duplications which are eliminated by editing are *preselected multimedia files* since these multimedia files are *selected prior* to being eliminated.

Applicant argues that the Examiner's reasoning demonstrates that he is not properly understanding what is being claimed. Applicant claims restricting access to files. Syeda teaches eliminating files that have been accessed and retrieved (Syeda col. 6, lines 52-55 col. 7 lines 61-64). Applicant believes the Examiner is misinterpreting the limitations being claimed in applicant's invention.

In view of applicant's above arguments presented on behalf of claim 16, particularly pertaining to the fact that the unique capabilities and functionality of applicant's code set as recited in claim 16 are clearly not obvious in the code set of Syeda, applicant strongly believes claim 16 is patentable over the prior art. Claims 17-19 are then patentable on their own merits, or at least as depended from patentable claim.

The Examiner maintains the rejection of apparatus claim 1 based on the reasoning applied to method claim 16. Applicant believes that in view of applicant's above arguments on behalf of claim 16, and that claim 1 recites substantially the limitations of claim 16, including the meaning and functions of those limitations, claim one is also clearly and unarguably patentable over prior art. Claims 2-5 are then patentable on their own merits, or at least as depended from a patentable claim.

Applicant's claim 6 recites a programming application for creating an interactive media application in accordance with embodiments of the present invention as claimed in claims 1 and 11, and is therefore also patentable in view of the above facts and arguments presented by applicant. Claims 7-10 are then patentable on their own merits or at least as depended from a patentable claim.

As all of the claims standing for examination as amended have been shown to be patentable over Syeda, applicant respectfully requests

reconsideration and that the present case be passed quickly to issue. If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Version With Markings to Show Changes Made

No Amendments to the claims are herein made in this present response.

Respectfully Submitted,
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